

REMARKS

Applicant kindly requests that all correspondence regarding Serial Number 09/902,860 be sent to Thomas D. Wilhelm using Customer Number: 23482, as indicated in the Declaration and Power of Attorney for Patent Application, received by the OIPE on July 29, 2004.

No claims have been canceled. Claims 3, 4, 5, and 8 have been amended. Claims 3-8 are now in the application

Applicant submits that no new matter has been added in amending Claims 3, 4, 5, and 8. Support for the amendments to Claims 3, 4, 5, and 8 is fully supported in the application as filed.

Reconsideration of the application is respectfully requested in light of the foregoing amendments and the following remarks.

Objections to the Claims

Claim 8 stands objected to because the Examiner asserts that the phrase "any of" is informally improper (Office Action, dated 06/28/2005, paragraph 1). Applicant respectfully points out that the phrase "any of" is not present in Claim 8. Applicant assumes that the Examiner actually objects to the phrase "ones of", which Applicant asserts is proper. Nevertheless, in a good faith effort to move this case to allowance, Applicant herein amends Claim 8 to remove the assumedly offending language.

Rejection of Claims under 35 U.S.C. § 112

Claims 3, 4, 5, 6, 7, and 8 stand rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Specifically, the Examiner asserts that there is no support in the original disclosure for “5% seasonings and additives.” Applicant respectfully traverses the rejection as improper.

Applicant wishes to make of record that the second paragraph of the application as published (US 2003/0017254 A1), lines 4-9 thereof, along with the chart in column 2 of the published application, fully supports “5% seasonings and additives.” Namely, lines 4-9 of the second paragraph, recites meat, fruit, a nut/seed combination, and “dry ingredients (seasonings and additives)” (Column 1, paragraph 2, line 7).

Consistently therewith, one can refer to the chart (in column two), categorize the first three rows of the chart, i.e. Meat, Fruit, Nut/Seed, as non-dry ingredients, whereby the remainder is dry ingredients, i.e. seasonings and additives (constituting about 5.402%).

Nevertheless, again in a good faith effort to move the case to allowance, Claims 3, 4, and 5, have been amended. The particular language to which the Examiner objects is removed from Claims 4 and 5. The amendments to Claims 3, 4, and 5, obviate the rejections thereto made under 35 U.S.C. § 112, and obviate all other rejections. Accordingly, Applicant respectfully requests withdrawal of the rejections to and allowance of Claim 3, 4, and 5.

Claims 6, 7, and 8 are allowable as depending, directly or indirectly, from allowable, amended Claim 3, and on their own merits.

Accordingly, Applicant respectfully requests withdrawal of the rejections to and allowance of, Claims 6, 7, and 8.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 3, 4, 5, 6, 7, and 8, stand rejected under 35 U.S.C. § 103(a) as unpatentable over Pews in view of Uozumi or Lee et al (hereinafter "Lee"). Applicant respectfully traverses the rejections. Nevertheless, independent Claims 3, 4, and 5 are herein amended, which obviates the rejections under 35 U.S.C. § 103(a) and all other rejections and objections.

Amended Claim 3 now recites (in part):

- (a) placing in a grinder/mixer a mixture comprising the following ingredients
 - (i) 55% to 75% by weight pre-smokehouse prepared meat,
 - (ii) 10% to 20% by weight dried fruit,
 - (iii) 10% to 20% by weight nuts and/or seeds, and
 - (iv) 5% seasonings and additives; wherein said seasonings and additives comprise corn syrup solid.

None of Pews, Uozumi, Lee, or any other reference of record, separate or combined, teach or suggest corn syrup as a component thereof. Correspondingly, all references of record, separate or combined, particularly fail to teach or suggest the use of corn syrup solid.

Accordingly, Applicant respectfully requests withdrawal of the rejection to and allowance of amended Claim 3.

Claims 6, 7, and 8 are allowable as depending from, directly or indirectly, allowable, amended, Claim 3, and on their own merits. Accordingly, Applicant respectfully requests withdrawal of the rejection to and allowance of Claims 6, 7, and 8.

Amended Claim 4 now recites (in part):

- (a) 55% to 75% by weight pre-smokehouse prepared meat;
- (b) 10% to 20% by weight dried fruit;
- (c) 10% to 20% by weight nuts and/or seeds;
- (d) about 2% salt,
- (e) about 1.6% corn syrup solid, and
- (f) about 0.8% dextrose.

None of the references of record, separate or combined, teach or suggest such a dried, smoked, and cooked meat product, having the above recited composition. Accordingly, Applicant respectfully requests withdrawal of the rejection to and allowance of Claim 4.

Amended Claim 5 now recites (in part):

- (a) 55% to 75% by weight pre-smokehouse prepared meat;
- (b) 10% to 20% by weight dried fruit;
- (c) 10% to 20% by weight nuts and/or seeds; and
- (d) about 2% salt;
- (e) about 1.6% corn syrup solid;
- (f) about 0.8% dextrose;
- (g) about 0.73% spices;
- (h) about 0.06% maple sugar;
- (i) about 0.05% sugar;
- (j) about 0.04% sodium erythorbate; and
- (k) about 0.01% sodium nitrite.

None of the references of record, separate or combined, teach or suggest such a dried, smoked, and cooked meat product, having the above recited composition. Accordingly, Applicant respectfully requests withdrawal of the rejection to and allowance of Claim 5.

Applicant thus submits that all claims as presented herein are allowable over all references of record. Allowance is respectfully solicited.

A check in the amount of \$510 is enclosed to pay the fee for the 3-month extension. No other fee is believed to be due. Should any other fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

Please feel free to contact me with any questions, comments or concerns, at the telephone number listed below.

December 21, 2005

Respectfully submitted,
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By: _____

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